

### **REMARKS**

This amendment responds to the office action dated January 5, 2009.

The Examiner indicated that claims 21, 48, and 69 would be allowable if rewritten in independent form. The applicant has canceled claim 48 and added new claim 87 that rewrites claim 48 in independent form. Claim 87 should therefore be allowable.

The Examiner rejected each of claims 1-7, 9-20, 22-34, 36, 37, 39-47, 49-56, 58-68, and 70-86 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Yeo et al., U.S. Patent No. 6,219,837 (hereinafter Yeo) in view of Tovinkere et al., U.S. Patent No. 6,678,635 (hereinafter Tovinkere), and in further view of Moran et al., U.S. Patent No. 5,717,879 (hereinafter Moran).

The Examiner's rejection of each of these claims is improper, as explained below, for several reasons. First, the Examiner has failed to show that the cited combination discloses or makes obvious either of the limitations of "displaying to a user said relative location for a first semantic characterization of a said sports play in said video using a first visual indication and displaying said relative location for a second semantic characterization of a said sports play in said video using a second visual indication different from said first visual indication", recited in claim 1 for example, or doing so on a "second portion" of the display different from that showing a summary of the video. Moreover, the Examiner has failed to articulate an explanation as to why one of ordinary skill in the art would find a reason to make the combination asserted, but instead merely alleged that the disparate elements of the applicant's claimed invention are known, using the applicant's claims as a template to make the rejection.

At the outset, all independent claims recite the a limitation of a graphical user interface that shows video segments in a summary as bounded spatial regions, where different characterizations of semantic events in the respective segments are visually distinguished from each other. As an example, if a basketball video is being summarized, the GUI can include a timeline of video segments, each portrayed as blocks, where a block for a slam dunk is colored red, a block for a fast break is cross-hatched, etc. At no point does the Examiner's rejection find all elements of this limitation in the prior art.

First, the Examiner notes that “Yeo discloses using a first visual indication and using a second visual indication different from the first visual indication to indicate *different video segments*.” (emphasis added) Yeo fails to disclose visually distinguishing segments by *the type of content* they portray. Moreover, the Examiner misreads the figure to which the rejection is related. FIG. 7 of Yeo is not a *visual* GUI, but instead is merely an illustration, for purposes of patent disclosure, of the technique of automatically segmenting videos by the difference between summary frames. What is visually presented to a user is subsequently illustrated in FIGS 8b and 8c, which show key frames rather than segments that each include a plurality of frames, as claimed. Thus, the Examiner’s use of Yeo as a primary reference seems to be premised on an incorrect reading of the figures of that reference.

The Examiner also cites FIG 11 of Moran as indicating a “plurality of segments [that have] different visual indications that disclose [the] *relative location for events* within a video.” In actuality, the shown GUI of Moran does not segment the video at all, let alone use different markings for different semantic content in the video. FIG. 11 shows a composite of different recording media for a business meeting, such as video from one or more cameras, an audio recording, and an electronic “LiveBoard” that has no relevance to the claimed invention or the teachings of Yeo. Though the audio is segmented into blocks, the different cross-hatching of the audio represents *whose voice is heard* rather than the semantic content, or *meaning*, of what is said, hence the teachings of this figure are of minimal, if any relevance to either the claims at issue or the teachings of the primary reference, Yeo. Again, the applicant notes that at no point does the Examiner allege that Moran discloses the claim limitation of visually distinguishing the semantic content of respective segments from each other; the Examiner merely asserts that different segments are temporally or locationally distinguished from each other.

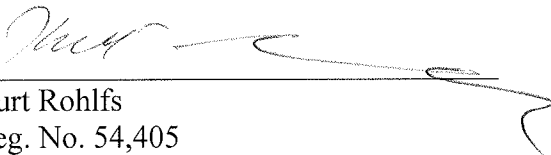
Second, with respect to independent claim 1, that claim recites that a summary be presented in a first portion of a display, and the claimed GUI in a second portion of the display. This limitation is not disclosed in the cited prior art. The primary reference, Yeo, discloses a GUI that lets a person “catch up” on live shows already in progress by navigating to a GUI that includes selectable key frames. Selection of a key frame causes the segment from which the key frame was extracted to be played. The key-frame GUI and the presented video clips are alternately shown on the same display, hence they are not shown on different *portions* of the

display, nor would they need to be. Similarly, the tertiary reference Moran simply shows a GUI as described earlier. The Examiner asserts that would be obvious for one of ordinary skill in the art to include the GUI of Moran, in the video summarization of Yeo, “on a second portion of the display with a plurality of segments” but provides no teaching in any of the references as to *why* it would be obvious to include Moran’s GUI on a different portion of the display than Yeo’s summary.

Finally, the applicant notes with respect to this last point that an obviousness rejection cannot be premised upon a mere recitation that all the elements of a claim are disparately disclosed in a number of separate prior art references. Rather, a *prima facie* case of obviousness must also be supported by some *reason* why one of ordinary skill in the art would arrive at what was claimed from the *teachings* in the prior art references, as opposed to the bare features disclosed. Yet, throughout the present rejection, there is no mention of the *reasons* for the respective displays of Yeo and Moran. The claims are directed to a visual GUI of a specified *visual* structure and a specified *relationship between* the visual elements of that structure. What better evidence is there of hindsight bias than when a rejection simply pieces together the pictures shown in disparate references, without ever discussing the purposes of the respective visual displays of those figures and how those specific purposes would be enhanced, changed, etc. by the combination. Yeo is concerned with allowing a person to quickly browse prior scenes of a television show that has already started, so as to catch up to events. Moran is concerned with documenting a business meeting for later reference. At no point does the Examiner explain how the teachings pertaining to Moran’s business-meeting GUI are relevant to the consumer video GUI of Yeo, e.g., how does the secondary reference enhance the intended functionality of the display of the primary reference. Here, the Examiner’s purported combination seems to have nothing to do with these teachings of the prior art references, but instead were selected and combined merely to put together the applicant’s claims as one would a puzzle. This reasoning does not properly support a rejection under 35 U.S.C. § 103(a).

In view of the foregoing remarks, the applicant respectfully requests reconsideration and allowance of claims 1-7, 9-34, 36, 37, 39-47, 49-56, and 58-87.

Respectfully Submitted



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Kurt Rohlf  
Reg. No. 54,405  
Tel: (503) 227-5631